



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

RE
EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

11
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/205,297	Applicant(s) Valkanas et al.
	Examiner Ivars C. Cintins	Group Art Unit 1724

X Responsive to communication(s) filed on Aug 7, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

X Claim(s) 7-26 is/are pending in the application.

Of the above, claim(s) 15-26 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) _____ is/are rejected.

Claim(s) _____ is/are objected to.

X Claims 7-14 are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1724

Applicant's election of Group I, claims 6-14, in paper No. 10 is acknowledged. In view of this election, an election of species is now also required.

This application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) polymer species (e.g. polystyrene, ethylene SEBS, elastomeric SBR, etc.); and
- (2) chlorinated solvent species (e.g. 1,4-dichloromethyl-2,5-dimethylbenzene, dichloroethane, etc.).

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed polymer species and a single disclosed chlorinated solvent species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 12 is generic.

Applicant is advised that a response to this requirement must include an identification of the species that are elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the

Art Unit: 1724

limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, Applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.01(a).

Should Applicant traverse on the ground that the species are not patentably distinct, Applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other inventions.

Furthermore, Applicant should note that claim 6 has been canceled in accordance with Applicant's instructions on page 1 of the response filed August 7, 2000, but has not been replaced with any other independent product claim. Accordingly, Applicant should present an independent product claim for examination in response to this requirement. Applicant is further advised that any newly presented claims must begin with the number "27", in accordance with 37 CFR 1.126.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Sintins whose telephone number is (703) 308-3840. The examiner can

Serial Number: 09/205,297

Page 4

Art Unit: 1724

normally be reached on Monday through Thursday from 8:30 AM to 7:00 PM.

The fax phone numbers for this art unit are: (703) 305-3599 for "Official" faxes after Final Rejection; (703) 305-7718 for all other "Official" faxes; and (703) 305-3602 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
October 22, 2000